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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 GREGORY LYNN NORWOOD,) Case No. 07-CV-0057-WQH (JMA)
12)
13 Plaintiff,) **ORDER DENYING PLAINTIFF'S**
14) **MOTIONS REQUESTING SERVICE**
15 v.) **UPON DEFENDANT R. TORRES**
16) **[Docs. 71, 75]**
17 JEANNE WOODFORD, et al.,)
18)
19 Defendants.)
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18 On July 1, 2008 *nunc pro tunc* June 30, 2008, and on July 30,
19 2008 *nunc pro tunc* July 23, 2008, Plaintiff filed motions
20 requesting service upon Defendant R. Torres [Docs. 71, 75].
21 Deputy Attorney General Sylvie P. Synder filed oppositions to
22 Plaintiff's motions on July 3, 2008 [Doc. 70] and July 25, 2008
23 [Doc. 73].

24 The Court previously found that Deputy Attorney General
25 Snyder had complied with the Court's orders that she obtain
26 Defendant Torres' last known contact information from the
27 California Department of Corrections and Rehabilitation ("CDCR"),
28 and that she had provided this information to the U.S. Marshal in

1 a confidential memorandum in order to permit service to be
2 effected upon Torres. See Doc. 66. Using the information
3 provided by the Deputy Attorney General, the U.S. Marshal
4 attempted service upon Defendant Torres at his last known
5 residential address on June 9, 2008. Doc. 68. At that time, the
6 Marshal was informed that Torres no longer owned the property,
7 that the new property owner had purchased the property six months
8 before, and that the new owner did not have any knowledge of
9 Torres' whereabouts. Id. Therefore, to the extent that
10 Plaintiff again seeks an order from the Court directing the
11 Attorney General to obtain Torres' last known address from the
12 CDCR, Plaintiff's request is denied.

13 Plaintiff also requests that the U.S. Marshal effectuate
14 service upon Torres, who allegedly has criminal charges pending
15 against him, "on his next scheduled court date or via a probation
16 office." Doc. 71 at 1. Although an incarcerated pro se litigant
17 proceeding *in forma pauperis* is entitled to rely on service of
18 the summons and complaint by the U.S. Marshal, the U.S. Marshal
19 can attempt service only after it has been provided with the
20 necessary information to effectuate service. See, e.g., Puett v.
21 Blandford, 912 F.2d 270, 275 (9th Cir. 1990). It is generally up
22 to the *plaintiff* to provide such information. Id. Therefore,
23 the Court denies this request.

24 Finally, Plaintiff seeks information regarding whether
25 Torres is on probation as a result of the criminal charges
26 allegedly filed against him, and suggests that the Office of the
27 Attorney General be ordered to provide this information to him as
28 a "sanction" for "failing to provide adequate information" in

1 order to permit service to be effected upon Torres. The Court
2 denies this request, and finds that no sanctions are warranted
3 against the Attorney General's Office. Deputy Attorney General
4 Snyder already obtained Defendant Torres' last known contact
5 information from the CDCR and provided this information to the
6 U.S. Marshal, in full compliance with the Court's previous
7 orders. The Deputy Attorney General need not undertake the
8 investigation currently requested by Plaintiff.

9 Accordingly, Plaintiff's motions requesting service upon
10 Defendant R. Torres are **DENIED**.

11 **IT IS SO ORDERED.**

12 DATED: July 31, 2008

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14 Jan M. Adler
U.S. Magistrate Judge
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